STATE OF ILLINOIS ILLINOIS COMMERCE COMMISSION STIPULATED AGREEMENT 1251

707-0023

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the Illinois Central Railroad Company ("Company"), Orvil Township ("Township"), and the State of Illinois, Department of Transportation ("Department" or "IDOT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through staff investigation that inquiry should be made into the matter of improving public safety at the 700th Avenue (TR 82) highway-rail grade crossing of the Company's track near Emden, Orvil Township, Logan County, Illinois, designated as crossing AAR/DOT 292 739P, milepost 33.40-B; and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossing by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to this Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish proposed improvements to the crossing upon determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law, 625 ILCS 5/18(c)-7401, requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the traveling public the Grade Crossing Protection Fund ("GCPF") of the Motor Fuel Tax Law ("MFT") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

<u>Section 1</u> All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

<u>Section 2</u> The parties are of the opinion that the following improvements in the interest of public safety at the aforesaid crossing should be:

- (a) Installation of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder and a remote monitoring system, by the Company.
- (b) Installation of temporary STOP signs at the 700th Avenue crossing within 30 days of a Commission Order for the installation of new automatic

DOCKETED

warning devices, by the Company.

<u>Section 3</u> The Company has prepared detailed drawings, circuit plans and a preliminary cost estimate to accomplish the proposed safety improvements, which may be required by Commission Order. The drawings, circuit plans, and cost estimate are attached and incorporated herein by reference as Exhibit B.

<u>Section 4</u> The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be twelve (12) months from the date of a Commission Order approving this Agreement.

<u>Section 5</u> The parties agree that an equitable division of cost for the proposed improvements is as follows:

- COST DIVISION TABLE -

IMPROVEMENT	EST. COST	GCPF	TOWNSHIP	COMPANY	IDOT
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$124,600	(95%) \$118,370 ¹	(0%) \$0	(5%) Remainder ²	(0%) \$0
Install temporary STOP Signs, if ordered	No Estimate Required	(0%) \$0	(0%) \$0	100%3	(0%) \$0
TOTALS	\$124,600	\$118,370	\$0	\$6,230	\$0

Notes:

¹ Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$118,370; any installation costs above the estimated amount of \$124,600 will be divided between the GCPF and the Company in the same percentages noted above, upon submittal and review of evidence to support the additional cost and subject to approval by the Commission.;

² Company responsible for all future operating and maintenance costs associated with the new automatic warning devices.

Company responsible for all future maintenance costs associated with the temporary STOP SIGNS.

<u>Section 6</u> The Township is not required to pay any portion of the cost for the proposed improvements.

<u>Section 7</u> Special Provisions: Since the warning device improvements at the subject crossing will be performed by railroad crews, no flagging or contractor liability insurance will be required for said work.

The Company and the Township shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibits C and C1, along with this executed Agreement.

The Company shall, at six (6) month intervals from the date of the Commission Order approving this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibit C, regarding the progress it has made toward completion of the work required by this Agreement. Each Project Status Report shall include the Commission Order's docket number, the Order date, the project completion date as noted in the Order, crossing

information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of the Company Project Manager.

All bills for work specified in Section 2 of this Agreement authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit, Bureau of Local Roads and Streets, Illinois Department of Transportation, 2300 South Dirksen Parkway, Springfield, Illinois 62764 (see Exhibit C). The Department shall send a copy of all invoices to the Director of Processing and Information, Transportation Bureau of the Commission. All bills shall be submitted no later than twelve (12) months from the completion date specified in the Commission Order approving this Agreement. The final bill for expenditures from each party shall be clearly marked "Final Bill". The Department shall not obligate any assistance from the Grade Crossing Protection Fund for the cost of proposed improvements described in this Agreement without prior approval by the Commission. The Commission shall, at the end of the 12th month from the completion date specified in the Commission Order approving this Agreement, or any Supplemental Order(s) issued for this project, conduct a review to determine if any unused assistance from the Grade Crossing Protection Fund should be deobligated. Upon completion of the review, the Commission shall notify the Department to deobligate all residual funds accountable for installation costs for this project. Notification may be by regular mail, electronic mail, fax, or phone.

<u>SECTION 8</u> Billing: For all work specified in Section 2 of this Agreement, and authorized by an Order of the Commission, the Company shall assure that sufficient documentation for all bills is made available for review by the Department or the Department's representative. The <u>minimum</u> documentation that must be made available is outlined below:

- a) <u>Labor Charges (including additives)</u> Copies of employee work hours charged to the railroad account code for the project.
- b) <u>Equipment Rental</u> Copies of rental agreements for the equipment used, including the rental rate; number of hours the equipment was used and the railroad account code for the project.
- c) <u>Material</u> An itemized list of all materials purchased and installed at the crossing location. If materials purchased are installed at multiple crossing locations, a notation must be made to identify the crossing location.
- d) <u>Engineering</u> Copies of employee work hours charged to the railroad account code for the project.
- e) <u>Supervision</u> Copies of employee work hours charged to the railroad account code for the project.
- f) <u>Incidental Charges</u> An itemized list of all incidental charges along with a written explanation of those charges.
- g) <u>Service Dates</u> Invoice shall include the beginning and ending date of the work accomplished for the invoice.
- h) <u>Final or Progressive</u> Each invoice shall be marked as a Progressive or a Final Invoice.

- i) Reference Numbers Each invoice shall include the AAR/DOT number, the ICC Order number and the state job number when federal funds are involved.
- j) <u>Locations</u> Each invoice shall show the location, with the street name and AAR/DOT crossing inventory number.

<u>Section 9</u> This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate Order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 3rd day of January 2007.

Von De Bur

Michael E. Stead

Rail Safety Program Administrator

Attest:

Joseph J. Von De Bur Rail Safety Specialist Illinois Commerce Commission Stipulated Agreement No. 1251, executed by Commission Staff on January 3, 2007, concerning improvements at the 700th Avenue (TR 82) highway-rail grade crossing of the Illinois Central Railroad Company tracks near Emden, Orvil Township, Logan County, Illinois, designated as crossing AAR/DOT 292 7399, milepost 33.40-B.

Executed by Orvil Township this 9 day of 9 day of 9 2007.

ORVIL TOWNSHIP

By: Scott Behende.

Attest:

ple liter Trustee

DECERVED

JAN 1 6 2007

Ellinois Commerce Commission CAPL CARETY SECTION

Illinois Commerce Commission Stipulated Agreement No. 1251, executed by Commission Staff on January 3, 2007, concerning improvements at the 700th Avenue (TR 82) highway-rail grade crossing of the Illinois Central Railroad Company tracks near Emden, Orvil Township, Logan County, Illinois, designated as crossing AAR/DOT 292 7399, milepost 33.40-B.

Executed by the Department this 9th day of February 2007.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

Milton R. Sees, Director of Highways/Chief Engineer

Illinois Commerce Commission Stipulated Agreement No. 1251, executed by Commission Staff on January 3, 2007, concerning improvements at the 700th Avenue (TR 82) highway-rail grade crossing of the Illinois Central Railroad Company tracks near Emden, Orvil Township, Logan County, Illinois, designated as crossing AAR/DOT 292 7399, milepost 33.40-B.

Executed by the Illinois Central Railroad Company this 2 day of 2007.

ILLINOIS CENTRAL RAILROAD COMPANY

Ву:

Witness:

ILLINOIS COMMERCE COMMISSION STIPULATED AGREEMENT CROSSING DATA FORM

GENERAL INFORMATION: See Location Sketch

RAILROAD	Illinois Central Railroad Company
USDOT#, MILEPOST	292 739P, 33.40-B
STREET, CITY, COUNTY	700th Avenue/TR82, Near Emden, (Orvil Twp.) Logan County
JURISDICTION (RDWY)	Orvil Township Road District
LOCATION	Rural, Residential, Agricultural
STREET SURFACE	2-Lane, 2-Way, 19 Feet Wide, Oil and Chip

CROSSING DATA: See Location Sketch for roadway profile and track centers

TRACK	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Main	Full Depth Timber	40 Feet	Fair

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS	None
TRAFFIC CONTROL	None
ADT & SPEED	325 Vehicles Per Day @ 55 MPH (Not Posted)
TRAFFIC TYPE	Passenger, Possible School Busses, Hazardous Materials, Farm Vehicles and Emergency Response
ADVANCE WARNING	W10-1 - North and South
PAVEMENT MARKING	None

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	6 Trains Per day @ 25-35 MPH, 2 Switch Movements, Day & Night
PASSENGER TRAFFIC	None
WARNING DEVICES	R15-1: Crossbucks

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	35	MPH	
Roadway Speed	55	MPH	
Required Stopping Sight Distance (SSD)			
Along Roadway	483	FEET	
Along Tracks	352	FEET	
Required Clearing Sight Distance (CSD)	832	FEET	
(Along Tracks)			

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	*		*	
NW	*		*	
SE	-		*	
SW	*		*	

^{*}Note: The installation of automatic flashing light signals and gates eliminates the need to satisfy minimum Sight Distance criteria.

APPROACH GRADES: See Location Sketch

DIRECTION: NORTH		DIRECTION: SOUTH			
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
0	100.0		0	100.0	w==
25	99.8	-0.8	25	99.6	-1.6
50	99.3	-2.0	50	99.1	-2.0
100	98.4	-1.8	100	98.4	-1.4

Distance measured from outermost rail.

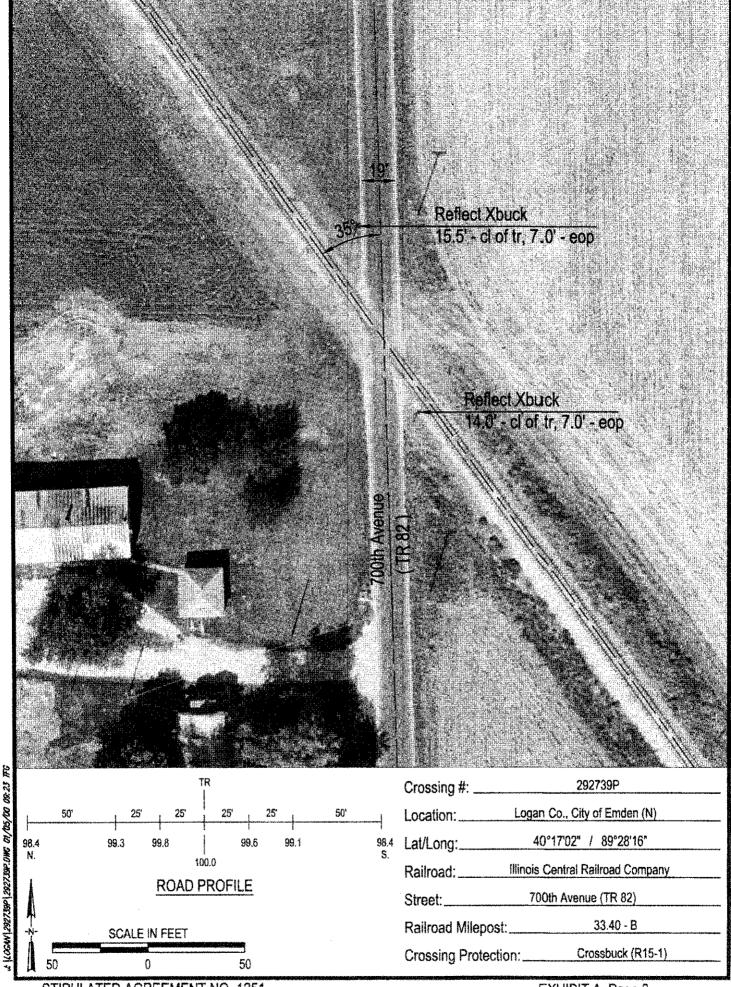
COMMENTS:

Project is part of the Grade Crossing Protection Fund FY07 Program to add automatic flashing light signals and gates.

Proposed Cost Division:

ITEM	GCPF	ICRR	VILLAGE
Signals	95%	5% + Op & Maint	0%

See Page 3 for a Location Sketch (Aerial Photo) of the crossing.



STIPULATED AGREEMENT NO. 1251

EXHIBIT A, Page 3

ILLINOIS CENTRAL RAILROAD COMPANY

A WHOLLY OWNED SUBSIDIARY OF

CANADIAN NATIONAL RAILWAY COMPANY

HIGHWAY/RAIL GRADE CROSSING SIGNAL ESTIMATE

Roadway Name: 700th Avenue / TR 82

Date: November 21, 2006

Nearest Station: Emden, IL

Railroad Region: Southern

Est 1047-606

Railroad Subdivision: Peoria Railroad Milepost: B 33.40 DOT Crossing No.: 292 739P

Valuation Section: IL-2

Prepared by: WCR

Description of Work: Signal work to install AFLS and Gates.

MATERIAL:

<u>Item</u>	Quantity	<u>Units</u>	<u>Unit Cost</u>		Cost
Landfill	1	LOT	\$1,000.00	\$	1,000.00
Misc. Signal Material	1	LOT	\$500.00	\$	500.00
CROSSING MATERIALS PACKAGE	E		,	•	
GCP4000, 1 Track	_ 1	EACH	\$19,148.00	\$	19,148.00
Narrow Band Shunt, 62775-1543	2	EACH	\$533.00	\$	1,066.00
Rectifier, NRS 15110, 20A	1	EACH	\$446.00	\$	446.00
Rectifier, NRS 18120, 40A	1	EACH	\$645.00	\$	645.00
Intelligent Current Sensor, 80271	2	EACH	\$470.00	\$	940.00
FLX-4000 & Gate Assembly, 2-Way	2	EACH	\$7,160.00	\$	14,320.00
Arm, E-Z Gate, 16-24'	2	EACH	\$569.00	\$	1,138.00
Gatekeeper	2	EACH	\$1,303.00	\$	2,606.00
Bell, Electronic	1	EACH	\$235.00	\$	235.00
Battery, Ni-Cad, 250 AH	20	EACH	\$250.00	\$	5,000.00
Foundation, S-2	2	EACH	\$436.00	\$	872.00
Enclosure, Shunt	2	EACH	\$591.00	\$	1,182.00
Pre-Wired Aluminum Bungalow, 6X6'	1	EACH	\$13,450.00	\$	13,450.00
Wire, 2c/6, T10456	300	FEET	\$1.26	\$	378.00
Cable, 3c/6 TECK, T10458	100	FEET	\$4.30	\$	430.00
Cable, 7c/6,9c/14, T12481	300	FEET	\$6.80	\$	2,040.00
			•	•	=======
SUBTOTAL MATERIAL		•		\$	65,396.00

700th	Avenue	/TR	82

Page 2

Emden, IL

Est 1047-606

LABOR:

SIGNAL LABOR

<u>Item</u>	Gang Days	Cost/Day	Cost
5-man Gang	12	1200.00	\$ 14,400.00 ======
SUBTOTAL SIGNAL LABOR			\$ 14,400.00

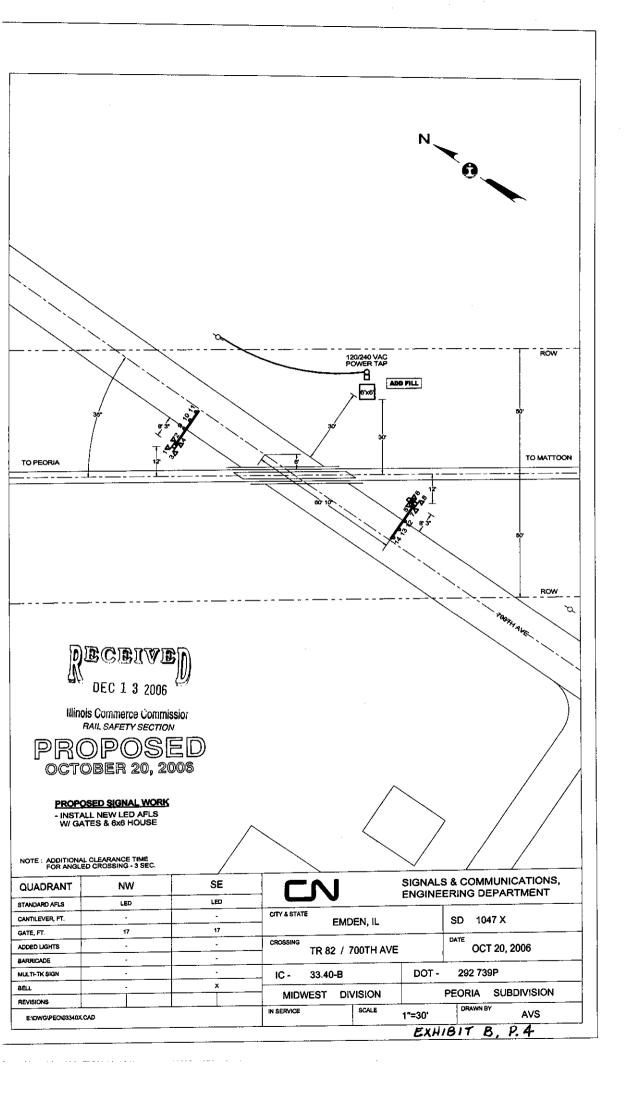
MISCELLANEOUS LABOR

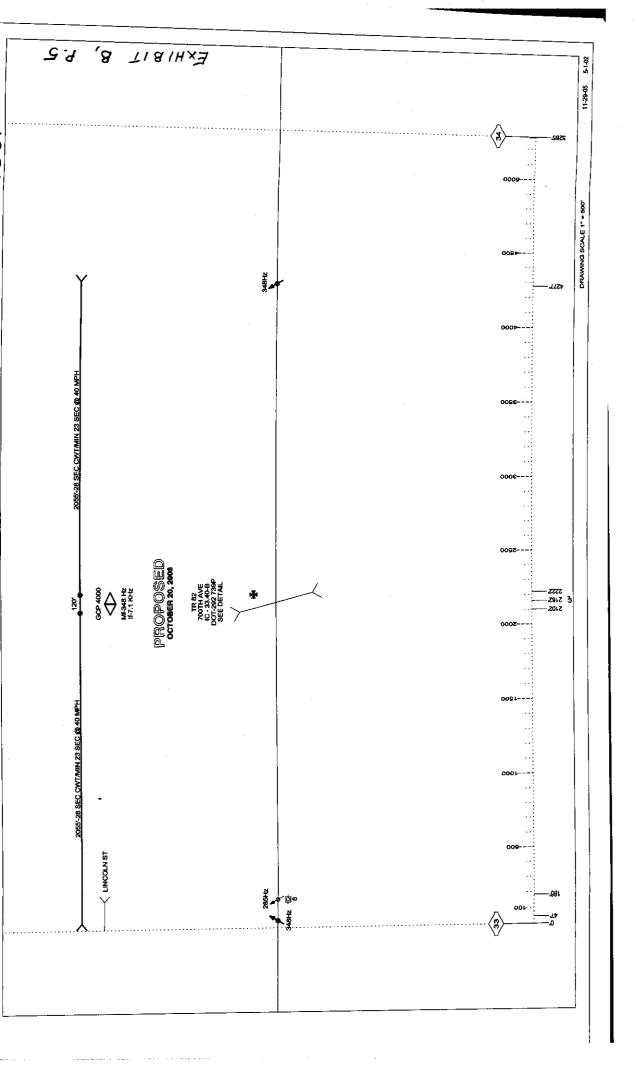
<u>Item</u>	Quantity	<u>Units</u>	Unit Cost		Cost
Preliminary Engineering Construction Engineering Accounting	1 1 1	L.S. L.S. L.S.	\$2,500.00 \$275.00 \$300.00	\$ \$ \$	2,500.00 275.00 300.00
SUBTOTAL MISCELLANEOUS	LABOR			\$	3,075.00
TOTAL LABOR				\$	17,475.00

OTHER

<u>Item</u>	Quantity	<u>Units</u>	Unit Cost	Cost
Per Diem/Business Expense	1	L.S.	\$3,864.00	\$ 3,864.00
Contractor/Rented Equipment	1	L.S.	\$2,400.00	\$ 2,400.00
Power Tap	1	L.S.	\$2,000.00	\$ 2,000.00
Contract-Crossing System Wiring	1	L.S.	\$6,000.00	\$ 6,000.00
Freight on Crossing Package	1	L.S.	\$3,300.00	\$ 3,300.00
Contract Engineering	1	L.S.	\$6,000.00	\$ 6,000.00
•				=======
TOTAL OTHER				\$ 23,564.00
				=======
TOTAL DIRECT COSTS				\$ 106,435.00

700th Avenue / TR 82			Page 3
Emden, IL			Est 1047-606
FAPG ADDITIVES			
Material	\$ 65,396.00		
Material Additive (4.20%)		\$	2,746.63
Signal Labor	\$ 14,400.00		
Signal Labor Additive (89.34%)		\$.	12,864.96
Engineering Labor	\$ 2,775.00		
Engineering Labor Additive (83.29%)		\$	2,311.30
Accounting Labor	\$ 300.00		
Accounting Labor Additive (74.34%)		\$	223.02
Other	\$ 23,564.00		
TOTAL BIRTOT 000TO	========		=======
TOTAL FARC ADDITIVES	\$ 106,435.00	•	40.445.04
TOTAL FAPG ADDITIVES		\$	18,145.91 =======
GRAND TOTAL FAPG BASIS		\$	124.580.91





ILLINOIS COMMERCE COMMISSION TRANSPORTATION DIVISION / RAIL SAFETY SECTION PROJECT STATUS REPORT:

TYPE: (CHECK ONE)		
PROGRESS		
COMPLETION	DATE	

PROJECT INFORMATION:

Reporting Party:	Illinois Central Railroad Company		
Docket/Order #; Date:			
Status Reports Due:			
Ordered Completion Date:			
Completion Report Due ¹ :			
AAR/DOT#, Milepost:	292 739P, 33.40-B		
Street, (in/near) City, County:	700 th Avenue/TR82, Near Emden, Orvil Township, Logan County		
Railroad Company:	Illinois Central Railroad Company		

Completion reports involving changes to the railroad crossing must include an updated USDOT Inventory Form.

PROJECT MANAGER INFORMATION²:

Name:	Arne Skrodal
Title:	Engineer – Signal Planning
Representing:	Canadian National
Street Address:	17641 South Ashland Avenue
City, State, Zip:	Homewood, Illinois 60430
Office Phone:	(708) 332-3271
Office Fax:	(708) 332-3514
Cellular Phone:	
E-Mail Address:	Arne.Skrodal@cn.ca

²Project Manager Information to be submitted by Roadway Authority and Railroad Company

DESCRIPTION OF IMPROVEMENT(S) ORDERED:

- Installation of TEMPORARY STOP SIGNS, within 30 days of Commission Order.
- Installation of automatic flashing light signals and gates, CWT

STATUS OF WORK:

ILLINOIS COMMERCE COMMISSION TRANSPORTATION DIVISION / RAIL SAFETY SECTION

Mail directed to the Rail Safety Section or the Director of Processing and Information, Transportation Bureau of the Commission should be addressed to:

The Illinois Commerce Commission 527 East Capitol Avenue Springfield, IL 62701-1827

If a party would like an electronic copy of this form, would like to submit an electronic copy, or has questions contact:

Joe Von De Bur, Rail Safety Specialist

Phone:

(217) 557-1286

Fmail[.]

ivondebu@icc.illinois.gov

A Form 3 can be obtained from the Illinois Commerce Commission by calling 217/782-7660 or on the web at:

http://www.icc.illinois.gov/rr/library.aspx

The billing address for Grade Crossing Protection Fund reimbursement is:

SIGNAL WORK

Illinois Department of Transportation Fiscal Control Unit Bureau of Local Roads and Streets 2300 South Dirksen Parkway Springfield, Illinois 62764

United States Department of Transportation Inventory Form #6180.71 can be obtained on the web at:

http://safetydata.fra.dot.gov/OfficeofSafety/Forms/Default.asp

Submit Inventory forms to:

Federal Railroad Administration		Chief of Data Services
Office of Safety	AND	Illinois Department of Transportation
1120 Vermont Avenue, NW		2300 S. Dirksen Parkway
Washington, DC 20590		Springfield, IL 62764

ILLINOIS COMMERCE COMMISSION TRANSPORTATION DIVISION / RAIL SAFETY SECTION PROJECT STATUS REPORT:

TYPE: (CHECK ONE)	
PROGRESS	
COMPLETION	DATE

PROJECT INFORMATION:

Reporting Party:	Orvil Township Highway Department		
Docket/Order #; Date:			
Status Reports Due:			
Ordered Completion Date:			
Completion Report Due ¹ :			
AAR/DOT#, Milepost:	292 739P, 33.40-B		
Street, (in/near) City, County:	700 th Avenue/TR82, Near Emden, Orvil Township, Logan County		
Railroad Company:	Illinois Central Railroad Company		

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PROJECT MANAGER INFORMATION2:

I IOOLOI MAMA	
Name:	Mr. Scott Behrends
Title:	Orvil Township Highway Commissioner
Representing:	Orvil Township Highway Department
Street Address:	2261 1100 th Avenue
City, State, Zip:	Emden, IL 62635
Office Phone:	(217) 376-3837
Office Fax:	(217) 735-5106
Cellular Phone:	
E-Mail Address:	

²Project Manager Information to be submitted by Roadway Authority and Railroad Company

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